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PART IV

Legislative Measures and Rules thereunder

NOTIFICATIONS.

No. D. 6733—I. W. 62-44-2, dated Bangalore, 9th April 1945.

In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased to direct that the Pipes Control Order, 1943, published in Notification No. D. 5083—I. W. 38-42-2, dated 9th February 1943, shall be cancelled.

2. The following further amendments shall be made in the Iron and Steel (Control of Distribution) Order, 1941, namely :—

In the said Order:—

(i) After sub-clause (*d*) of clause 2 the following sub-clause shall be added namely :—

"(*e*) 'Pressure Pipes' include all Pipes and Tubes of 1/8" nominal bore and above which will withstand or may be used for a working pressure of 25 lbs. per sq. inch and above".

(ii) In the schedule to the said order in item 8 the following entries shall be omitted :—

"rail keys, rail anchors, filler pieces, sleeper and jaws and sleeper clips".

(iii) In the schedule to the said order the following entries shall be added :—

"23. Steel pressure pipes, tubes and fittings, coated or uncoated, excluding electrical conduit pipes.

24. Cast iron pressure pipes and specials.

25. Pressure pipes made of any substance reinforced with iron or steel.

26. Wire ropes".

C. E. NORONHA, *Dev. Secy.*

No. Rl. 5274—Legis. 36-44-1, dated Bangalore, 11th April 1945.

Ordered that the accompanying Mysore Coconut Cess (Emergency Continuance) Act, 1945, which received the assent of His Highness the Maharaja, on the 7th day of April 1945, be published as Act No. XIII of 1945, in the *Mysore Gazette*, for general Information.

C. NARAYANASWAMY NAIDU,

Legal Remembrancer and Secretary to Government, Law Department.

ACT NO. XIII OF 1945.

The Mysore Coconut Cess (Emergency Continuance) Act, 1945.

(*Received the assent of His Highness the Maharaja on the 7th day of April* 1945).

WHEREAS the Mysore Coconut Cess (Emergency) Act, 1944, which received the assent of His Highness the Maharaja on the eighth day of October 1944, will expire six months thereafter;

AND WHEREAS the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to extend it for a further period of six months;

NOW, THEREFORE, in exercise of the powers conferred by clause (*a*) of sub-section (2) of Section 31 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Coconut Cess (Emergency Continuance) Act, 1945.

2. The Mysore Coconut Cess (Emergency) Act, 1944 (XXXIX of 1944) is hereby extended for a further period of six months.

N. MADHAVA RAU,

Dewan.

No. L. 10011—Ml. 193-43-6, dated Bangalore, the 6th April 1945.

Under Section 228 of the Mysore City Municipalities Act, 1933, as amended from time to time, the Government of His Highness the Maharaja propose to issue the following rules for regulating the collection of the transfer duty to be levied in Mysore City under section 67-A (I) of the said Act.

1. Persons having any objections to the issue of the said rules may send in the same to the undersigned on or before the 25th April 1945. Objections or suggestions received after that date will not be considered.

RULES.

1. The transfer duty imposed by Section 67-A of the Mysore City Municipalities Act, 1933, as amended, on all instruments of transfer of immovable property situated within the limits of the Mysore City Municipality by sale, gift, mortgage or otherwise, which may be executed after the introduction of the above duty, shall be paid and recovered in the same way and under the same procedure as the ordinary duty imposed on such instruments by the Mysore Stamp Act, 1900.

2. (1) Whenever any instrument referred to in Rule 1 is presented before the registering officer in the City of Mysore, he must see whether the particulars referred to in Section 27 of the Mysore Stamp Act, 1900, are set forth separately in the instrument in respect of property situated within the limits of the City Municipality as required by Section 67-A of the City Municipalities Act, 1933.

(2) If the said particulars be not so separately set forth in any such instrument, the said Officer must impound it and forward it to the District Registrar, Mysore, calling his attention to Section 64 of the Mysore Stamp Act, 1900, as extended by Section 67-A of the said City Manicipalities Act.

3. (1) Every Registering Officer in the City of Mysore, who registers any instrument referred to in Rule 1, shall keep an account of the duty paid in respect of each such instrument, showing separately the duty imposed by the Mysore Stamp Act, 1900, and the Transfer Duty imposed by the City Municipalities Act.

(2) The said accounts shall be consolidated quarterly under the orders of the Inspector-General of Registration, and each quarterly consolidated account shall be sent by him to the Comptroller within two months after the close of the quarter.

4. If, in any case, it be impossible to recover the full duty payable on any instrument referred to in Rule 1, then only such portion of the duty realised on such instrument as is in excess of the duty imposed by the Mysore Stamp Act, 1900, shall be treated in the said accounts as duty imposed by Section 67-A of the City Municipalities Act, 1933.

5. The Comptroller shall, within three months after the close of each quarter, arrange to pay to the President, City Municipal Council, Mysore, so much of the duty shown in the said consolidated account as represents the transfer duty imposed by Section 67-A of the Mysore City Municipalities Act, 1933.

6. A commission of one per cent shall be paid to Government for the collection of transfer duty.

C. NARAYANASWAMY NAIDU, *Law Secy.*

No. C. 946 Co. 49-44-4, dated Bangalore, the 4th April 1945.

In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendment shall be made in the Paper Price Control Order, 1944, namely:—

In clause 6-A of the said Order,—

(1) In sub-clause (*c*), for the words " per sheet " the words and figures " per gross or 100 sheets " shall be substituted;

(2) for sub-clause (*e*) the following sub-clause shall be substituted:—

" (*e*) the price determined in accordance with clause 6,—

(i) per gross of 100 sheets and per dozen or 10 sheets, in the case of board,

(ii) per ream of 480 sheets and per quire of 24 sheets, in the case of kraft paper, and

(iii) per ream of 500 sheets and per quire of 25 sheets in any other case; and "

No. C. 951—Co. 55-44-2, dated Bangalore 10th April 1945.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following amendments shall be made in the Mysore Cotton Yarn (Control of Distribution) Order, 1943, namely:—

In this Order.—

(1) after sub-clause (ii) of clause 2 (a) the following sub-clauses shall be inserted, namely:—

"(iii) 'Wholesale dealer' means a dealer who has been licensed under this order to sell yarn in wholesale";

"(iv) 'Retail dealer' means a dealer who has been licensed under this order to sell yarn in retail";

(2) sub-clause (c) of clause 2 shall be deleted ;

(3) for the words " Yarn Commissioner " wherever they occur in this order, the words " the Additional Textile Commissioner in Mysore " shall be substituted ;

(4) (i) in clause 3, after the words " in Form 'A' ", the following shall be added, namely,—

" Every holder of a license granted under this order shall be bound by the provisions of this order and the conditions of the license."

(ii) To clause 3, the following explanation shall be added, namely,—

" *Explanation.*—Where a dealer has more than one place of business whether in the same town or village or in different towns or villages, he should obtain separate license in respect of such place of business and he shall not sell, store or carry on business in yarn, except at the places specified in this behalf in the license granted to him."

(5) In clause 4, after the words " to any applicant " the words " or to suspend or cancel any license granted under this order " shall be inserted ;

(6) The note to clause 5 shall be numbered as clause 6.

(7) in Form 'B', under conditions of license, the following clause shall be inserted, namely,—

" 9. Every license granted under this order shall be valid for the period specified in the license ; but may be renewed from time to time for a period of one year. If a license granted under this order is defaced, lost or destroyed, the Additional Textile Commissioner may, after making such enquiries as he deems necessary, issue a duplicate license.

No. C. 957— Co. 39-44-5, dated Bangalore, 10th April 1945.

In exercise of the powers conferred under clause 17 of the Cotton Cloth and Yarn (Control) Order, 1943, the Government of His Highness the Maharaja are hereby pleased to authorise the Controller of Civil Supplies and Additional Textile Commissioner in Mysore, to accord sanction under the said clause for prosecution for contravention of any of the provisions of the said order, except when the person contravening any such provisions is the owner or other person in charge of a textile mill in the Mysore State.

No. C. 955—Co. 39-44-4, dated Bangalore, 10th April 1945.

In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Cotton Cloth and Yarn (Control) Order, 1943, namely:—

1. In sub-clause (a) of clause 3 of the said order, after sub-paragraph (v), the following shall be inserted, namely:—

"(vi) cloth manufactured partly from cotton and partly from wool and containing 40 per cent or less of cotton by weight."

2. After clause 4 of the said order, the following clause shall be inserted, namely:—

"4-A. The Textile Commissioner may, for the purposes of a notification under sub-clauses (b) and (c) of clause 4 relating to cloth or yarn imported from outside India, provide in such notification for the determination of the landed cost of such cloth or yarn, the issue of certificates as to such landed cost and the charging of fees therefor."

3. In clause 9-A, for the word, figures and letters "8 (1) (b) and 8 (2) (b)," the words and figures "8 (1) and 8 (2)" shall be substituted.

4. In sub-clause (1) of clause 12-A, for the words, letters and figures "sub-clause (d) or (e) of clause 13," the word, letter and figures "clause 12-B" shall be substituted.

5. After clause 12-A, the following clause shall be inserted;—

"12-B (1) The Textile Commissioner may, with a view to securing a proper distribution of cloth or yarn or with a view to securing compliance with this order, direct any manufacturer or dealer, or any class of manufacturers or dealers,—

(*a*) to sell to such person or persons such quantities of cloth or yarn as the Textile Commissioner may specify;

(*b*) not to sell or deliver cloth or yarn of a specified description except to such person or persons and subject to such conditions as the Textile Commissioner may specify; and may issue such further instructions as he thinks fit regarding the manner in which the direction is to be carried out.

(2) Every manufacturer or dealer shall comply with the directions and instructions given under sub-clause (1)."

6. Sub-clauses (d) and (e) of clause 13 shall be omitted.

7. To clause 17 of the said order, the following words shall be added, namely:—

"or of such officer of the Government not below the rank of District Magistrate as the Government may by general or special order in writing authorise in this behalf."

E. V. GANAPATI IYER, *Civil Supplies Secy.*

No. Rl. 5273—Legis.—35-44-1, dated Bangalore, 11th April 1945.

Ordered that the accompanying Mysore Duty on Gold (Amendment) (Emergency) Act, 1945, which received the assent of His Highness the Maharaja on the 7th day of April 1945, be published as Act No. XII of 1945, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
Legal Remembrancer and
Secretary to Government,
Law Department.

ACT No. XII of 1945.

The Mysore Duty on Gold (Amendment) (Emergency) Act, 1945.

(Received the Assent of His Highness the Maharaja on the 7th day of April 1945).

Whereas the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to amend the Mysore Duty on Gold Act, 1940 (XIX of 1940);

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 31 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Duty on Gold (Amendment) (Emergency) Act, 1945.

2. After section 5 of the Mysore Duty on Gold Act, 1940 (hereinafter referred to as the said Act), the following new section shall be inserted as section 5-A:—

Insertion of a new section 5A, Act XIX of 1940.

"5-A. If the Government is satisfied that special circumstanees exist in respect of a gold works which render it necessary or expedient to grant relief, the Government may, subject to such conditions if any, as it may deem fit to impose, direct the refund, to the owner of the gold works, of the whole or any part of duty paid by him."

Amendment of Section 6, Act XIX of 1940.

3. In sub-section (2) of section 6 of the said Act, the following clause shall be inserted, namely "(*e*) Providing for the refund of the whole or any part of duty paid by any owner of a gold works under this Act."

Insertion of a new section 6-A, Act XIX of 1940.

4. After section 6 of the said Act, the following new section shall be inserted as section 6-A, namely,—

"6-A. Any order passed and any action taken by the Government under this Act, shall be final and shall not be open to question in any Court of Law."

N. MADHAVA RAU,
Dewan.

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